

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LYDELL MOORE,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17CV00804 AGF
)	
DONALD STEPP, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

In this pro se action filed under 42 U.S.C. § 1983, Plaintiff brings claims against two police officers for false arrest on charges of unlawful use of a weapon and drug distribution.¹ Plaintiff asserts that these charges were fabricated to coerce him to cooperate in a murder investigation, and were subsequently dropped. The matter is now before the Court on Defendants’ motion to stay this action in light of an ongoing state criminal case against Plaintiff on charges of accessory to, and conspiracy to commit, the murder, and related armed criminal action charges.

“If a plaintiff files a false-arrest claim before he has been convicted (or files any other claim related to rulings that will likely be made in a pending or anticipated criminal trial), it is within the power of the district court, and in accord with common practice, to stay the civil action until the criminal case or the likelihood of a criminal case is ended.” *Wallace v. Kato*, 549 U.S. 384, 393–94 (2007). Although here, the false arrest claims do

¹ Other claims have been dismissed under 28 U.S.C. § 1915(e)(2) prior to service of process.

not directly involve the charges in the state criminal case, these claims are connected enough to the criminal trial and may well relate to rulings in that trial to warrant staying the present action until completion of the criminal trial. The new claims Plaintiff seeks to add by means of a proposed amended complaint (ECF No. 28-1) do not change this determination.

Accordingly,

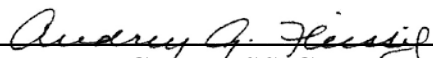
IT IS HEREBY ORDERED that Defendants' motion to stay this action pending resolution of the criminal trial noted above is **GRANTED**. (ECF No. 18.)

IT IS FURTHER ORDERED that Defendants shall notify the Court within seven days of the end of the criminal trial, explaining how the resolution of that case against Plaintiff affects the continued litigation of the present case.

IT IS FURTHER ORDERED that this case is **STAYED** and shall be administratively closed until further Order of the Court.

IT IS FURTHER ORDERED that all other pending motions are **DENIED without prejudice** to refiling, as appropriate, should the case be reopened.

Dated this 22nd day of December, 2017.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE